

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.6846 of 1998

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Dated 08-08-2005

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Between:

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G.Venkataramanayya

...Petitioner

And

The Chairman & Appellate Authority and another

... Respondents

-

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THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.6846 of 1998

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ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings No.EM/PC.4131/9749, dated 28-11-1997 issued by the second respondent as arbitrary and illegal, and consequently to

direct the respondents to release the increments of the petitioner and the amounts recovered from his salary with interest, and further to restrain them from making any recoveries as contemplated in the impugned proceedings.

Admittedly the petitioner, who worked as Refrigerator Mechanic (Senior) in the second respondent-organisation, retired from service after attaining the age of superannuation on 30-04-2000. While he was in service, a charge sheet was issued on 28-02-1997 alleging certain misconduct against him, which resulted in passing the impugned proceedings of imposing punishment of stoppage of two annual increments without cumulative effect besides recovery of cost of compressor i.e. Rs.11,700/-. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority-first respondent on 23-12-1997 and the same has not yet been disposed of. In that view of the matter, without going into the merits of the case, I am of the opinion that it would suffice to direct the first respondent to dispose of the appeal preferred by the petitioner.

The writ petition is disposed of directing the first respondent to dispose of the appeal preferred by the petitioner within a period of three months from the date of receipt of a copy of this order and to communicate the same to the petitioner. However, it is made clear that pendency of appeal should not come in the way of settlement and payment of the retirement benefits such as Provident Fund, Gratuity and pension etc., as per the eligibility of the petitioner. No costs.

_____ (C.V.RAMULU, J)

Dated: 08-08-2005

ghn